

NATURAL RESOURCE COMMISSION[571]

Adopted and Filed

Pursuant to the authority of Iowa Code sections 455A.5(6)“a,” 481A.38, 481A.39, 481A.67, 481A.76, 483A.6A, and 483A.39, the Natural Resource Commission (Commission) hereby amends Chapter 44, “Special Events and Fireworks Displays,” and Chapter 81, “Fishing Regulations,” Iowa Administrative Code.

These amendments increase paddlefish angler opportunities and establish better conservation-minded practices during catfish and bass fishing tournaments. Specifically, the amendments make the following changes to Chapter 81: add 39 days to the Missouri and Big Sioux Rivers paddlefish fishing season; allow the purchase of up to two Missouri and Big Sioux Rivers paddlefish fishing licenses instead of only one; authorize the snagging of the fish species listed in subrule 81.2(11) in areas previously limited to snagging of only paddlefish with a valid paddlefish fishing license and unfilled tag; and permit the culling of catfish at Department of Natural Resources (DNR)-permitted catch and release, boat-based catfish fishing tournaments. The amendments to Chapter 44 establish a daily catch limit of five catfish per tournament boat team at DNR-permitted catch and release, boat-based catfish fishing tournaments and a five-fish daily possession limit with no length limit for DNR-permitted catch and release bass fishing tournaments.

Almost 75 percent of the available Missouri and Big Sioux Rivers paddlefish fishing licenses (743 out of 1,000) were purchased in 2015’s inaugural paddlefish season. In 2016, however, only 406 licenses were purchased. In an effort to increase interest, the Commission has made the following changes: firstly, 39 days are being added to the paddlefish season in the Missouri and Big Sioux Rivers by opening the season earlier (on February 4 instead of March 1) and pushing the closing date later (from April 15 to April 30).

Secondly, the amendments authorize anglers to purchase more than one Missouri and Big Sioux Rivers paddlefish license (the current rule limits an angler to only one). The Commission has created two separate buying windows (December 15 to December 31 and January 1 to January 7) so that all interested anglers may have an opportunity to buy one paddlefish license before others buy their second. This is necessary because there are only 950 resident and 50 nonresident paddlefish licenses available and they are issued on a first-come, first-served basis. (Note: The 1,000 license quota was based on the number of paddlefish that could be harvested without causing a population decline. Increasing the season’s length will not cause the harvest to exceed the established quota.)

Thirdly, the Commission is authorizing snagging of the fish species listed in subrule 81.2(11) with a valid paddlefish license and unfulfilled tag in areas previously limited to just paddlefish snagging. Snagging is the practice of jerking any type of hook or lure, whether baited or not, through the water with the intention of foul hooking fish (“[a] fish is foul hooked when caught by a hook in an area other than in the fish’s mouth” pursuant to subrule 81.2(11)). Snagging is a valid method of take for paddlefish, so it is a logical extension to include these other species under the license. Once an angler has caught and tagged a paddlefish, however, no further snagging is permissible.

The amendments also authorize the culling of catfish at catch and release, boat-based catfish fishing tournaments. Culling—that is, to sort, cull, high-grade, or replace a fish already in one’s possession for another fish deemed superior—is currently not permitted for catfish fishing tournaments. Thus, anglers are keeping catfish in holding devices (either live tanks, stringers, or baskets) up to the legal daily catch limit (8 in lakes, 15 in streams) while participating in these tournaments, but this practice poses a genuine threat to fish health. When so many catfish are temporarily held in these devices, they are ultimately more susceptible to mortality after release due to the physical stress from crowding and oxygen depletion. Therefore, allowing anglers to cull during these tournaments is better for fish health and will prevent overcrowding of fish in holding devices.

Additionally, the Commission is amending Chapter 44, “Special Events and Fireworks Displays,” at the request of tournament organizers, by lowering the daily catch limit for catch and release boat-based,

catfish fishing tournaments. Lower daily catch limits, in combination with the ability to cull, will address the detrimental overcrowding issue. Tournament organizers have been self-imposing restrictive daily catch limits ranging between three and six fish to sustain fish health. The parties were able to come to a consensus on a new daily catch limit of five per boat regardless of the number of tournament participants on the vessel.

Finally, the amendments provide new required permit conditions for catch and release bass fishing tournaments, including requirements related to fish health and possession and length limits. These permit requirements implement 2017 Iowa Acts, Senate File 257, signed by Governor Branstad on April 12, 2017. Tournament participants will now be allowed to possess five black bass of any species (i.e., Largemouth, Smallmouth, or Spotted) and to possess bass of any length. Currently, the daily bag limit is three bass of any one species, with a cumulative, mixed species bag limit of five, and various length limits apply depending on the water body. The existing possession and length limits remain in effect for all anglers not participating in a DNR-permitted catch and release bass fishing tournament.

To facilitate the above amendments to the fishing tournament rules, new definitions of “catfish fishing tournament” and “bass fishing tournament” have been adopted and the definition of “fishing tournament” has been amended.

Notice of Intended Action was published in the Iowa Administrative Bulletin on August 30, 2017, as **ARC 3279C**. A public hearing was held on September 19, 2017, in Des Moines, Iowa. No comments were received from the public during the comment period. These amendments are identical to those published under Notice, except for the addition of the phrase “the participants are” in subrule 81.2(13) for clarity.

After analysis and review of this rule making, the Commission anticipates a neutral-to-positive impact on private sector jobs from the amendments. All amendments have the support of recreational anglers and catfish and bass tournament organizers, none of whom receive income directly from their involvement or efforts. That said, the amendments are intended to increase recreational angling opportunity, which could translate to a slight increase in revenue for local tackle shops, convenience stores, and outdoor recreational gear stores. A copy of the complete Jobs Impact Statement is available upon request.

These amendments are intended to implement Iowa Code sections 481A.38, 481A.39, 481A.67, 481A.76, and 483A.6A, and 2017 Iowa Acts, Senate File 257.

These amendments shall become effective on December 13, 2017.

The following amendments are adopted.

ITEM 1. Adopt the following **new** definitions of “Bass fishing tournament” and “Catfish fishing tournament” in rule **571—44.2(321G,321I,461A,462A,481A)**:

“*Bass fishing tournament*” means an event with the purpose of fishing for black bass as defined in 2017 Iowa Acts, Senate File 257. For purposes of this chapter, “bass fishing tournament” is included in the definition of “special event” unless otherwise specified.

“*Catfish fishing tournament*” means an event with the purpose of fishing for catfish from boats that meets the definition of “fishing tournament.” For purposes of this chapter, “catfish fishing tournament” is included in the definition of “special event” unless otherwise specified.

ITEM 2. Amend rule **571—44.2(321G,321I,461A,462A,481A)**, definition of “Fishing tournament,” as follows:

“*Fishing tournament*” means any organized fishing event, except for department-sponsored fishing events held for educational purposes, involving any of the following: (1) six or more boats or 12 or more participants, except for waters of the Mississippi River, where the number of boats shall be 20 or more and the number of participants shall be 40 or more; (2) an entry fee is charged; ~~and~~ **or** (3) prizes or other inducements are awarded. For purposes of this chapter, “fishing tournament” is included in the definition of “special event” unless otherwise specified.

ITEM 3. Adopt the following **new** subrule 44.4(3):

44.4(3) Catfish fishing tournaments. The daily catch limit for a catch and release catfish fishing tournament permitted under this chapter is five catfish per boat regardless of the number of tournament participants on the boat.

ITEM 4. Adopt the following **new** subrule 44.4(4):

44.4(4) Bass fishing tournaments. In addition to permit conditions deemed necessary under the introductory paragraph of rule 571—44.4(321G,321I,461A,462A,481A) or under subrule 44.4(2), the permit conditions for bass fishing tournaments shall:

- a. State the minimum requirements for weigh-in, handling, and release of live bass by tournament participants.
- b. Allow for the measurement of bass to length and release from a vessel.
- c. Allow for the possession of up to five bass for weigh-in during the tournament.
- d. Allow for the possession of bass of any length, so long as the bass are kept alive and are released after weigh-in.
- e. Require the cleaning of vessels, before and after the tournament, in compliance with department guidelines to prevent the transportation of aquatic invasive species.

ITEM 5. Amend paragraph **81.2(4)“b”** as follows:

b. Snagging for paddlefish on the Missouri and Big Sioux Rivers is limited to Iowa waters only, beginning in the Big Sioux River below the Interstate 29 bridge to the Big Sioux River’s confluence with the Missouri River and in the Missouri River, including all backwaters and sloughs and any tributary of the Missouri River at its confluence and extending below its Interstate 29 bridge, beginning at the Big Sioux River confluence and extending to the Hamburg Landing boat ramp.

(1) There shall be an open season from ~~March 1~~ February 4 through April ~~15~~ 30.

(2) and (3) No change.

(4) The paddlefish fishing license quota is 950 for resident anglers and 50 for nonresident anglers. ~~No one shall apply for more than one license per year.~~ Licenses shall be issued on a first-come, first-served basis. ~~The purchase period to obtain a~~ A person may purchase one paddlefish fishing license ~~shall be from December 15 through January 31~~ December 31 and either a first or second license between January 1 and January 7. No duplicate license or transportation tag shall be issued after the start of the season.

(5) ~~Each angler who fishes fishing for paddlefish and any species listed in subrule 81.2(11) on the Missouri and Big Sioux Rivers shall have a valid paddlefish fishing license and unused tag. Anglers possessing a paddlefish fishing license and unused tag shall snag fish for the purpose of catching paddlefish only.~~ All snagged fish except for a species listed in subrule 81.2(11) or a legal paddlefish taken into possession shall immediately be released alive.

(6) to (8) No change.

ITEM 6. Amend subparagraph **81.2(11)“a”(8)** as follows:

(8) Missouri River, any Missouri River tributary beginning at its confluence and extending below its Interstate 29 bridge and the Big Sioux River from the Interstate 29 bridge to the confluence with the Missouri River, with the exception of snagging paddlefish ~~and only paddlefish~~ or any of the species listed in subrule 81.2(11) during the paddlefish open season.

ITEM 7. Amend subrule 81.2(13) as follows:

81.2(13) Culling. It is prohibited to sort, cull, high-grade, or replace any fish already in possession. Participants in permitted black bass fishing tournaments are exempted, as are participants in catch and release catfish fishing tournaments if the participants are fishing from a boat with a functioning aerated or water-circulated live well. Any fish taken into possession by holding in a live well, on a stringer or in other fish-holding devices is part of the daily bag limit. Once the daily bag limit of a particular species is reached, fishing for that species is permitted as long as all fish of that species caught are immediately released.

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